

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant.,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In Re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

**NOTICE OF JOINDER IN OBJECTING DEFENDANTS' OPPOSITION
TO TRUSTEE'S MOTION FOR ORDER AMENDING ORDER
APPOINTING A DISCOVERY ARBITRATOR PURSUANT TO
BANKRUPTCY RULE 9019(c) AND GENERAL ORDER M-390**

Defendants LGT Bank in Liechtenstein (n/k/a LGT Bank AG) ("LGT Liechtenstein"), in Adv. Pro. No. 11-02929 (CGM), and LGT Bank (Switzerland) Ltd., as successor in interest to Dresdner Bank (Schweiz) AG ("LGT Switzerland"), in Adv. Pro No. 12-01577 (CGM) (together, the "LGT Defendants"), by and through their undersigned counsel and, hereby object to the Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390, filed in Adv. Pro. No. 08-01789 (CGM), ECF 23449, 23454 ("Trustee's Motion"), by Irving H. Picard, as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff ("Trustee"), and join in all aspects

of the Opposition to the Trustee's Motion, ECF 23516, filed by the Objecting Defendants, except for ¶¶ 8, 19 (third sentence), 32-38, and the final sentence of the Conclusion paragraph.

The LGT Defendants are each a party to one of the adversary proceedings, referred to by the Trustee as the Subsequent Transfer Cases, in which a Case Management Plan has not been entered, and as such, the fallback position advocated by Objecting Defendants in their Opposition – that, at a minimum, the Court deny the Trustee's Motion only with respect to adversary proceedings with previously entered Case Management Plans that (1) provide for mandatory discovery arbitration and (2) cite the existing Order Appointing Discovery Arbitrator – would not be adequate to protect the rights of the LGT Defendants, which are in all other relevant respects identically situated to Objecting Defendants.

Because the Trustee has failed to justify the modification to the Order Appointing Discovery Arbitrator he seeks, under either Rule 60(b)(5) or Rule 60(b)(6), the Trustee's Motion should be denied in its entirety as to all defendants who are parties to the Subsequent Transfer cases.

Dated: September 6, 2023

Respectfully submitted,

WUERSCH & GERING LLP

/s/ Gregory F. Hauser

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LGT Bank (Switzerland) Ltd., as successor
in interest to Dresdner Bank (Schweiz) AG*

CERTIFICATE OF SERVICE

I, Gregory F. Hauser, hereby certify that on September 6, 2023, I caused a true and correct copy of Defendants LGT Bank in Liechtenstein (n/k/a LGT Bank AG) and LGT Bank (Switzerland) Ltd., as successor in interest to Dresdner Bank (Schweiz) AG's Notice of Joinder in Objecting Defendants' Opposition to Trustee's Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390, dated September 6, 2023, to be served via the CM/ECF filing system upon all counsel of record.

Dated: September 6, 2023

Respectfully submitted,

WUERSCH & GERING LLP

/s/ Gregory F. Hauser

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